

IN THE DEPARTMENT OF CRIMINAL JUSTICE
OF THE STATE OF TEXAS
IN AND ON THE BILL CLEMENTS UNIT
POTTER COUNTY, TEXAS

FRED HOFFMAN, III, TDCJ# 1662898

OFFENDER

MY STATEMENT FOR SUBSEQUENT STORAGE ISSUES & CASE WROTE ON 4/22/21

TO WARDEN GONZALEZ, UGO, ATC, DHO, & ALL TDCJ LEVEL INVESTIGATORS,

Comes now, FRED HOFFMAN, III, the injured party and respectfully declares the following facts in the above matter and will offer the following:

The following declaration/statement is true and correct, and can be also verified by the ONLY impartial witness to the incident: TLV/SURVEILLANCE cameras on C-pod (ECB/HS bldg.); it can also be verified by my eye-witness one: MS. MEZA (Asst. Sup. BC Mailroom); it can also be verified by my follow-up conversations & I-60's with BC Law Library staff and CPT. PRECIADO, so there is no way any of this is in question and all are valid facts & events.

Since my arrival on the Bill Clements Unit I have repeatedly contacted the Bill Clements Law Library in regards to my large amounts of legal materials I possess, both before the arrival of my property from the McConnell Unit and after it arrived as well. My goal was to keep BC Law Library staff updated as to the amounts of materials I own, how much is in route from the mail, how much is in route from the ML Unit, and how much I expect to have arrive in total. I also started this process, by my requesting subsequent storage as well.

For years prior to my arrival on the BC Unit, I have stored my property un-interrupted in my cell on the ML Unit, without being harassed by staff over how much I have, not how I store it both in & out of the locker. Also lockers on the ML Unit were larger than on the BC Unit, and were lockable. TDCJ staff knew of my active litigation issues, and accepted that I had large amounts of legal materials & books in my cell.

What follows next is a chronological breakdown of my efforts, followed by multiple confiscations of my property, including legal materials; and then the writing of a case that was written early, without giving me time of 7 days to try and correct the issues that were being complained about.

First, I want to make this clear this complaint is NOT being filed against the Bill Clements Law Library staff, but is intended to be against Access to Courts Division of TDCJ. The reason for this is the BC Law Library is following direction & orders coming from ATC, in regards to my legal property & materials. The BC Law Library does not even possess the powers to elevate the situation, but TDCJ's Access to Courts Division does, and should provide relief.

Now what follows is what happened to me & my property since my arrival on the Bill Clements Unit, on 02/08/2021, and what I notified the Law Library of:

02/08/21 - Sent an I-60 to LL for supplies request, and request a yellow chain bag for legal materials. SEE: I-60 dated 02/08/21; EXHIBIT A; there was never a response to this one;

02/13/21 - Sent an I-60 to LL for legal session, advised over 4,000 pages in route of legal papers; and request yellow chain bag again. SEE: I-60 dated 02/13/21; EXHIBIT B; there was never a response to this one;

02/26/21 - Sent an I-60 to LL for updating on receiving 3,000 plus pages and that another 4,000 is in route. Another request is made for a legal yellow chain bag as well. SEE: I-60 dated 02/26/21; EXHIBIT C; and this one is responded to: "You get yellow bags after you are approved for subsequent storage."

02/27/21 - Sent in ATC 01, ATC 02, and multiple ATC 03's for subsequent storage approval to BC LL, and advised again about incoming legal materials. SEE: Copy of ATC's forms; EXHIBIT L.

03/10/21 - Sent an I-60 to LL after Mr. Holt missed coming to inspect property on the 8th, per our previous conversation. Advised property is in compliance with Subsequent storage requirements, and advised that another 2,000 pages is in route of legal materials. Also advised of my hearing being delayed in court as well. SEE: I-60 dated 3/10/21; EXHIBIT D; there was never a response to this one;

03/16/21 - Sent an I-60 to LL again in regards to subsequent storage and the need of a yellow chain bag, as I was under the assumption I could be on chain any day at that time. NOTE: Lost carbon copy of I-60.

03/17/21 - I receive in the mail another pack of the Subsequent storage papers, after already turning in a set the previous month.

03/18/21 - I send an I-60 to LL over confusion because of receiving another set of the Subsequent storage application papers. SEE: I-60 dated 3/18/21; EXHIBIT E; and this one is responded to: "Mr. Holt has been off all week. We are assuming you may have received more legal work since we sent you the last Sub storage Review pack, so we want you to be updated when he is able to get there to do the review. So you have all the legal work you're expecting?"

03/22/21 - Sent an I-60 to LL again answering the one from the 18th, advising they need to coordinate with Mr. Holt, as he is in receipt of my ATC forms already, the information on them will not change, Holt has visually verified my property storage currently, and has seen it exceeds into the large side of the locker already. Advised that I have received well over 10,000 sheets of legal materials, that more have arrived since Mr. Holt last looked at it on 3/11/21, and it is all active legal materials. Also advise that I received an additional thousands of pages in discovery records, that include grievance records as well. SEE: I-60 dated 3/22/21; EXHIBIT F; and this one is not responded to.

03/25/21 - Purchased \$37.20 in Jewish Passover food from commissary, getting ready for Passover, and fasting breaks coming up.

03/30/21 - At 7:54 AM I purchased \$43.35 in additional food for use in Jewish Passover, and to off-set the fact I do not eat hardly anything on the trays served from the kitchen. This is in part due to the fact I am Jewish, diabetic, and have a damaged stomach lining.

03/30/21 - At 8:17 AM Mr. Holt shows up at my cell, and has me pack up all my property onto a cart in bags, and we take it to the Law Library for inspection for approval of Subsequent Storage, per policy.

At the time of this inspection it should be clear that I already have more legal materials than what can fit in 2 lockers, and my property from the ML Unit has not even arrived yet.

The application for Subsequent storage is approved by Mr. Holt and I am issued a sticker for my locker, per policy. PROP-04.1. I am assigned both lockers in the cell at this time. SEE: EXHIBIT N.

He also confiscates 6 packs of cookies I just bought earlier, and 2 magazines that did not fit in the 1 square foot box for personal.

04/01/21 - I receive 13 out of the 14 bags sent from the McConnell Unit, and advise BC Property Officer Gutierrez of the missing property. She annotates the PROP-05, and leaves. About an hour later I am moved to C-Pod, 114, bottom.

04/02/21 - Sent an I-60 to LL again advising of the arrival of most of my ML property the day before, current court deadlines, destroying over 5,000 pages of duplicates, and that I need more time to condense. I also advise that I am making arrangement for attorney Robert N. Virden, to come from Dallas and pick-up extra legal materials, that are needed for later. SEE: I-60 dated 4/02/21; EXHIBIT G; and this one was not responded to.

04/06/21 - Mr. Holt comes to my cell with CPT. PRECIADO, after hearing of the complaints over my property from WARDEN GONZALEZ & more. I advise on everything I am doing to condense, but that I am hampered by court deadlines as well. I also explain that attorney Robert N. Virden has agreed to pay for postage to get all the excess to his office, as he cannot take time off to drive here.

Mr. Holt advises he has not read the I-60 from 4/2/21 yet, and then states that he will be back to confiscate some of the property.

04/12/21 - Sent an I-60 to LL again advising I bought 70 legal manila envelopes from commissary, to be able to use while sorting out for mailing the legal materials, that will go to Dallas. Also advise that as soon as all court deadlines are met, that I will begin sorting of it. SEE: I-60 dated 4/12/21; EXHIBIT H; and this one was not responded to.

04/22/21 - Mr. Holt, CO D. Johnson, & another officer come to my cell, while I am in it working on legal work, have materials & property strewn all about while I am sorting & working on court responses, and states they are there to confiscate whatever does not fit in the one square foot wooden box they have with them.

I am not given a chance to arrange anything, put up anything back in the locker, nor clean up at all.

I am also told that my legal books are ALL considered personal property, and any I keep have to fit in the box. I complain about this as I specifically picked out books that their content is NOT in the Law Library.

04/22/21 - That is the list of books confiscated, and also the list of the books that took up room in the 1 foot square box, that I was forced to use for my personal property. The books made my commissary food not fit in the box and forced it to be confiscated.

The point being is that the books are legal materials, I picked the books specifically for content NOT available in the Law Library, and they should have never been used to fill my personal property area.

Now I am being deprived of food that I normally would be eating, as I am Jewish, diabetic, and have a damaged stomach lining & eat very little from what comes out of the kitchen. We are also now on lock-down being served johnnies and I cannot eat: **BREAD, PANCAKES, PRUNES, RAISINS, PEANUT BUTTER, PORK, or FISH PATTIES.** All of this is some of the main ingredients in the JOHNNIES, and now I will be forced to eat basically nothing but the meat.

When it comes time to sign the PROP-08, since I do not agree with anything going on, do not agree to the form being used (outdated), do not agree to legal books being personal property, I sign my name followed by the words "Under Duress".

Mr. Holt sees this and then makes Ms. Johnson write out another form, as he will not accept that on the form. I explain that in ten years I have never had anyone have an issue with that after my signature, and then sign the new form.

It is during all this that I failed to realize that the property is being confiscated for improperly stored, not for excessive amounts. I would have NEVER signed it at all had I noticed that.

My property was out of the locker when they arrived, I never left my cell either, I was not allowed to re-pack the locker, so there is no way anything can be deemed improperly stored. I was denied any attempt at trying to store it, and being forced to fit it in a box that is smaller than the locker space available make this a true case of excessive amounts.

Also the issue with the legal books being personal property again denied me space that would have allowed NOT ONE ITEM to be taken.

Nothing about all of this meets the elements of Improperly Stored, but does meet the elements of Excessive amounts.

04/22/21 - So I am given a copy of the PROP-08 and told that they are going to come back to confiscate legal materials later next week as well.

SEE: PROP-08 dated 4/22/21; EXHIBIT O.

04/26/21 - Sent an I-60 to LL asking for titles & authors of the legal books confiscated as personal property, so I can advise attorney Robert N. Virden and attorney Joel De La Garza as to which ones I now no longer have in my possession, in regards to court deadlines and more. **SEE: I-60 dated 4/26/21; EXHIBIT I;** and this one is responded to: **"Those are considered personal property. I am not going to provide that. KH 4/29."** This is why I am missing three titles in the list on page 5, and cannot remember their titles.

04/26/21 - Sent an I-60 to LL advising them the storage issues are resolved, as I spent the weekend purging & destroying 10,000 plus pages, and I have over 30,000 pages in 65 envelopes ready to be mailed to Robert Virden for them to pick up. These are valued at well over \$14,000. I also request a quote for the shipping costs as well, to provide to Mr. Virden. All property fits in the locker now, nothing is out of the locker, more sorting needs to happen, but I am out of manila envelopes to do so. **SEE: I-60 dated 4/26/21; EXHIBIT J;** this one is not responded to.

04/29/21 - Sent an I-60 to LL begging for the return of my food as the storage issues were resolved in less than 7 days, per policy. Advise them of the fact I am Jewish, diabetic, & have a damaged stomach lining; as to why I need the food back since lockdown started on 4/26/21. **SEE: I-60 dated 4/29/21; EXHIBIT K;** this one has not even responded to yet.

I have been targetted by Bill Clements staff, I know of multiple inmates that have EVERY O'Conner's legal book in their cells (outside the locker) and they are never messed with. My legal books were taken because their application has allowed me to embarrass TDCJ-CID, WARDEN GONZALEZ, & many more; and educates me on how to assert my rights that were violated by TDCJ in violation of the United States Constitution, and that I redressed successfully in a court of law.

These legal books also advocate the legitimate use of TDCJ's grievance procedures and urge inmates to contact public representatives or the press about prison conditions, which I have done personally & was published in the Houston Chronicle, and this is why TDCJ's Access to Courts is lying, about the content of my legal books being available in the law library, so therefore they are personal property.

I am being deprived of property I am constitutionally entitled to obtain, which are legal materials & books necessary for Access to Courts. This deprivation and limitation of property has been done in retaliation for my exercising my constitutional right to redress my grievances is a TDCJ grievance, court of law, or in the press.

I maintained all my property since 2014, when MAJORS GONZALEZ & CASTRO left the McConnell Unit, and was returned it all, on every occasion but three, when materials were lost before they were returned. I have been allowed to store all of this in my cell the entire time, with all my personal property, legal materials and legal books being taken for good, as was described to me on 4/22/21. This created a defacto policy & rule by law, after seven years of storage.

My legal books, research materials, and third-party legal materials, were specifically picked for their content and information NOT being available in TDCJ's law libraries, and their described content is NOT on the holdings list. My legal books contain, but are not limited to the following legal research materials, NOT available in the law library, that I use in my arguments and quotations, because they are particularly authoritative, for use in both State & Federal courts in Texas, here are some of the content I am describing:

- 1) Law reviews from Major Law Universities across the United States;
- 2) Law reviews from Judges, Lawyers, and Legal Professionals in the U.S.;
- 3) Legal treatises;
- 4) Legal decisions by the United Nations, that affect TDCJ;

- 5) Law encyclopedias, specifically dealing with prisons;
- 6) Sample forms, briefs, pleadings, & other legal papers, that demonstrate formatting and more;
- 7) Lists of sources of assistance for TDCJ inmates in court & more;
- 8) Footnotes & citations from other legal books and publications, so you do not have to buy even more books;
- 9) sources for additional books and materials, recommended for Texas inmates by the A.C.L.U.;
- 10) subject matter organized specifically, that explains in layman terms, laws that apply to Texas inmates, and provide information & research not in the law library at all;
- 11) quoteable content of relevance to TDCJ inmates from the Hague conventions, especially in regards to conditions of confinement issues;
- 12) commentaries designed for inmates from lawyers and Judges;
- 13) concise sorting of case citations of only inmates who won their civil or criminal cases in a court of law;
- 14) summaries of relevant laws & rules for courts;
- 15) instructions on how to obtain discovery materials, "BRADY" materials, & transcripts;
- 16) proposed amendments to both Texas & Federal Rules of Civil Procedure;
- 17) quotes usable in a court of law from legal conventions & seminars given by various level Judges from across the country;
- 18) how to petition the Supreme Court, learn the true function of the Supreme Court, what it has the power to do, where it comes from, and how you can benefit from it personally;
- 19) sample practices and procedures for use in Texas courts;
- 20) relevant court rules not listed in the Texas or Federal Rules of Criminal Procedure and the Texas or Federal Rules of Evidence;
- 21) citations referenced in these books will support court filings with an accurate listing of case references & assist with the best arguments possible in a court of law, that is not available through research in the outdated in the law library.

That is not even close to a complete listing of what my legal books have in them, that is NOT in the law library. Also most of my books are newer than anything available in the law library, and the newer case citations are not even researchable in the law library, due to older books than mine. My legal books are designed to expedite a civil or criminal law practitioner's research by supplementing the Texas & Federal Rules of Criminal Procedure, the Texas & Federal Rules of Evidence, Texas & Federal statutes, Texas & Federal court rules and procedures, Texas & Federal Habeas Corpus rules and procedures, and much more; with case annotations, ususally verbatim from the court's actual opinions, but then also include verbatim notes from the Judges themselves, not included in the opinion itself.

The impact on the appearance of justice, when I may not have access to the above required case authorities in my legal books due to confiscation, may not have access to the them also due to forced mailing out of legal materials that forced the basis for a court's decision, has now hampered & interfered with my opportunities to understand and assert my legal rights, while directly interfering with my Access to Courts, especially since I have ACTIVE deadlines in multiple courts, in multiple states. I truly believe all this was an act of censorship as well, as for years not ONE TDCJ employee said anything about my legal research materials & books.

RELIEF REQUESTED

- 1) that all my legal books be returned to me, and that all my legal books be considered legal materials, not personal property;
- 2) that the 65 manila legal envelopes in my cell be mailed to attorney Robert N. Virden, as soon as a quote is provided and funded by us;
- 3) that the disciplinary case written prematurely by BC staff for the improper storage of personal property to dismissed, as the elements are NOT met for improper storage to begin with, and the storage room issues were resolved in less than 7 days per policy;

- 4) that the decision for my legal books to be considered legal materials be made in writing somehow, so I have something to show future officers who question the validity of that statement;
- 5) the immediate return of my confiscated food identified in EXHIBITS M & O, given the fact we are on lockdown, I am Jewish, diabetic, and have a very damaged stomach lining, that limits what I can eat on lockdown; and because my legal books should have never taken up room in my personal property space anyway; and
- 6) since all my personal & legal property fits in my assigned locker, that there be no more continued harassment & discrimination involved in the repeated targetting of my legal materials & property in general, or in retaliation either.

Also take NOTICE that I will not be able to file grievances on these types of issues & incidents, as I am already at my limitations of one every seven days, barring my filing of additional grievances. So there is no reason or excuse for the Ombudsman office to try and not investigate this complaint, over pending grievances being filed, there are none. END OF STATEMENT.

Respectfully Submitted,

DATE: 04/30/21



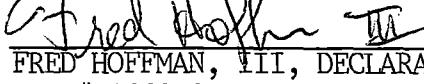
FRED HOFFMAN, III, Injured Party
TDCJ# 1662898

INMATE DECLARATION

I, FRED HOFFMAN, III, INJURED PARTY, TDCJ# 1662898, being presently incarcerated at the Bill Clements Unit, in Potter County, Texas, declare under the penalty of perjury that the foregoing statement is true and correct.

EXECUTED on this 30th day of APRIL, 2021.

ENCLOSURES



FRED HOFFMAN, III, DECLARANT
TDCJ# 1662898
Bill Clements Unit
9601 Spur 591
Amarillo, Texas 79107